REMARKS

Please reconsider this application in view of the above amendments and the following remarks.

- Claims 1-39 are pending.
- Claims 1-18 are rejected.
- Claims 19-39 are newly added

Claims 1 and 10 have been amended to clearly indicate an order of steps in their respective methods. This does not add new matter. Claims 3 and 12 have been amended. Support for this amendment can be found in the specification has originally filed in paragraph [0022].

Claims 19-39 are newly added. Support for these claims can be found in the claims as originally filed combined with paragraph [0022].

Art-Based Rejections

Double-Patenting

The Examiner has rejected certain claims under the judicially-created doctrine of obviousness-type double patenting over U. S. Patent No. 6,743,462. Upon the indication of allowable subject matter, Applicant will supply an appropriate Terminal Disclaimer. Until then, please hold this rejection in abeyance.

Obviousness

The Examiner has rejected Claims 1, 9, 10, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Frisch, U. S. Patent No. 4,992,312 (D1).

The Examiner contends that it would have been obvious to one of ordinary skill in the art to modify D1's teaching of using a reduced pressure in a chamber to accelerate solvent evaporation and make it more efficient by also conducting the depositing step in the same chamber. Applicant notes that this efficiencies constructed by the Examiner would have greatly benefited the coating in D1. Yet despite this need, it was more than a decade before Applicant suggested do-

ing this thing that the Examiner calls obvious. If someone of ordinary skill in the art would find this modification obvious, where is a reference showing deposition in a reduced pressure chamber.

D1 applies a solvent-containing coating to a device and then removes the solvent. D1 does not contemplate that the device will be subjected to reduced pressure **before or during** deposition of the solvent-containing coating. Moreover, the Examiner has not explained why one of ordinary skill in the art would want to increase evaporation rate of the solvent during the deposition process rather than afterwards. Therefore, prima facie obviousness has not been made out.

Please remove this obviousness rejection of Claims 1, 9, 10, and 18.

D1 does not bear on the newly added claims because each of them recites a therapeutic substance in the composition that is being applied, and D1 is silent about therapeutic agents.

The Examiner has rejected Claims 1-18 over Ding et al., U. S. Patent No. 6,358,556 (D2) in view of You et al., U. S. Patent No. 6, 407, 009 (D3).

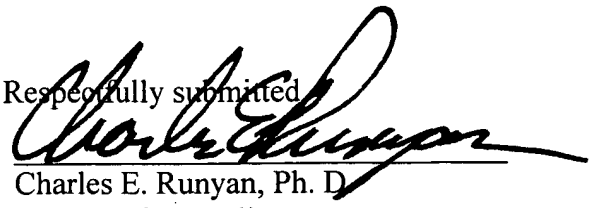
First, the Examiner asserts on page 5, lines 8-10 that D3 reduces the pressure in a closed chamber to decrease the evaporation rate of the solvent. This is contrary to Applicant's teaching of increasing the pressure in a closed chamber to decrease the evaporation rate of the solvent and to Applicant's teaching of decreasing the pressure in a closed chamber to increase the evaporation rate of the solvent. Therefore, prima facie obviousness has not been made out.

Second, D2 is directed towards using solvents with a high vapor pressure so that they quickly evaporate to leave a thin film. This is directly averse to D3's teaching, which is directed at slowing the evaporation rate of a solvent to yield a uniform film. Since D2 teaches away from D3, there combination is impermissible.

Therefore, please remove this rejection of Claims 1-18.

Since all claims are in a condition for allowance, please issue a Notice of Allowability so stating. If I can be of any help, please contact me.

Respectfully submitted,



Date: September 28, 2004

Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza
Suite 300
San Francisco, CA 94111
Facsimile (415) 393-9887
Telephone (415) 954-0235
crunyan@ssd.com

Charles E. Runyan, Ph. D.
Attorney for Applicants
Reg. No. 43,066